

NOTICE OF NEW STATE LAW REQUIREMENTS
FOR
RESIDENTIAL IN-GROUND SWIMMING POOLS OR SPAS

The following contract notices are required by recently passed state law (A.R.S. §32-1158.01) which becomes effective on August 22, 2002. These notices have been approved by the Registrar of Contractors as required by statute and **must** be included in construction contracts for all **residential in-ground swimming pools or spas**.

There may be other requirements in law not identified here. It is a contractor's responsibility to know the laws regulating the construction industry. The information contained herein is published as a service to the public and is not intended to constitute a compendium of all laws affecting the construction industry. For additional assistance, see our "LINKS" listings at the Registrar of Contractors' web site at www.azroc.gov.

A licensed contractor who enters into a contract for the construction or installation of a residential in-ground swimming pool or spa with a purchaser who resides in the residence or who intends to reside in the residence after the completion of the contract **must** include the following four (4) notices in the contract.

Notice number 1

PURCHASERS HAVE THE RIGHT TO REQUEST FROM SWIMMING POOL CONTRACTORS A STANDARD CONTRACTOR'S PAYMENT AND PERFORMANCE BOND, SECURING THE COMPLETION OF THE WORK AND PAYMENT FOR SERVICES AND MATERIALS. THE COST OF THE PAYMENT AND PERFORMANCE BOND SHALL BE PAID BY THE PURCHASER OF THE SWIMMING POOL OR SPA. THE CONTRACTOR CANNOT CHARGE A SURCHARGE OR A SERVICE CHARGE IF THE PURCHASER ELECTS TO OBTAIN A PAYMENT AND PERFORMANCE BOND. IF THE PARTIES AGREE TO A PAYMENT AND PERFORMANCE BOND, THEN THE REQUIREMENTS OF THE PAYMENT PROVISIONS OF A.R.S. §32-1158.01.A2 MAY BE CHANGED IN ANY MANNER AGREED TO BY THE PARTIES TO THE CONTRACT. [A.R.S. §32-1158.01.A1 AND B]

Notice number 2

PAYMENT PROVISIONS:

- (a) A DOWN PAYMENT PAYABLE ON THE EXECUTION OF THE CONTRACT OF NOT MORE THAN ONE THOUSAND DOLLARS.**
- (b) AFTER THE COMPLETION OF THE EXCAVATION WORK ON THE SWIMMING POOL OR SPA, A PAYMENT OF NOT MORE THAN THIRTY PER CENT OF THE AMOUNT OF THE ORIGINAL CONTRACT PRICE PLUS ANY WRITTEN CHANGE ORDERS APPROVED BY THE PURCHASER.**

- (c) AFTER THE INSTALLATION OF STEEL, PLUMBING AND PNEUMATICALLY APPLIED CONCRETE MATERIALS OR THE INSTALLATION OF A PREFABRICATED SWIMMING POOL OR SPA, A PAYMENT OF NOT MORE THAN THIRTY PER CENT OF THE AMOUNT OF THE ORIGINAL CONTRACT PRICE PLUS ANY WRITTEN CHANGE ORDERS APPROVED BY THE PURCHASER.
- (d) AFTER THE INSTALLATION OF DECKING MATERIALS, A PAYMENT OF NOT MORE THAN THIRTY PER CENT OF THE AMOUNT OF THE ORIGINAL CONTRACT PRICE PLUS ANY WRITTEN CHANGE ORDERS APPROVED BY THE PURCHASER.
- (e) BEFORE THE APPLICATION OF THE FINISHING INTERIOR MATERIALS OR COMPLETION OF ALL WORK ON A PREFABRICATED POOL OR SPA, PAYMENT OF ALL REMAINING SUMS DUE ON THE ORIGINAL CONTRACT PLUS ANY WRITTEN CHANGE ORDERS APPROVED BY THE PURCHASER.

ANY CHANGES, ADDITIONS OR DELETIONS TO THE WORK SPECIFIED IN THE ORIGINAL CONTRACT SHALL BE INCLUDED IN A WRITTEN CHANGE ORDER. [A.R.S. §32-1158.01.A2 AND A.R.S. §32-1158.01.C]

Notice number 3 which must be printed in at least ten point type

UNDER A.R.S. §32-1155, A CUSTOMER OF A LICENSED CONTRACTOR HAS THE RIGHT TO FILE A WRITTEN COMPLAINT AGAINST THE CONTRACTOR WITH THE ARIZONA REGISTRAR OF CONTRACTORS WITHIN TWO YEARS OF THE COMMISSION OF AN ACT IN VIOLATION OF A.R.S. §32-1154.A. WRITTEN MATERIAL REGARDING THE PROCEDURES OF THE REGISTRAR OF CONTRACTORS FOR RESOLUTION OF DISPUTES WITH LICENSED CONTRACTORS OR A COPY OF STATE LAW CONTAINED IN A.R.S. §32-1158.01 MAY BE OBTAINED BY CONTACTING THE ARIZONA REGISTRAR OF CONTRACTORS, 800 W. WASHINGTON, 6TH FLOOR, PHOENIX, ARIZONA 85007-2940 (602). PHONE 542-1525, OR TOLL FREE WITHIN ARIZONA AT 1 (888) 271-9286 OR BY E-MAIL AT web.keeper@azroc.gov OR AT www.azroc.gov [A.R.S. §32-1158.01.A3]

Notice number 4 which must be printed in at least ten point type

THE PURCHASER IS ADVISED THAT THE CONTRACTOR IS REQUIRED TO PROVIDE YOU WITH SPECIFIC WRITTEN INFORMATION CONCERNING YOUR RIGHTS REGARDING HOME SOLICITATION AND REFERRAL SALES IN THIS CONTRACT PURSUANT TO A.R.S. TITLE 44, CHAPTER 15. A COPY OF TITLE 44, CHAPTER 15 MAY BE OBTAINED FROM VARIOUS STATE SOURCES INCLUDING: THE ARIZONA SECRETARY OF STATE, 1700 W. WASHINGTON, 7TH FLOOR, PHOENIX, ARIZONA 85007-2888, (602) 542-4285 OR TOLL FREE IN ARIZONA (800) 458-5842 OR AT THEIR WEB SITE AT www.sosaz.com [A.R.S. §32-1158.01.A4]